



# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161  
(305) 899-8000

## Mayor and Commission

John R. Hornbuckle  
Mayor

Chester "Doc" Morris  
Vice-Mayor

Robert "Bob" Anderson  
Commissioner

Steve Bernard  
Commissioner

Kelly Mallette  
Commissioner

Frank R. Spence  
Village Manager

John J. Hearn  
Village Attorney

Ann Harper  
Village Clerk

## AGENDA

### REGULAR COMMISSION MEETING

Ed Burke Recreation Center – 11400 NE 9<sup>th</sup> Court  
**Tuesday, December 2, 2008 - 7:00 pm**

1. CALL TO ORDER and ROLL CALL
  2. PLEDGE OF ALLEGIANCE
  3. ORDER OF BUSINESS - ADDITIONS, DEFERRALS, OR DELETIONS TO AGENDA
  4. PRESENTATIONS
    - A. Recognition of Police Chief Mitchell Glansberg for graduating from St. Thomas University with a Bachelor of Arts Degree in Organizational Leadership, Suma Cum Laude.
    - B. Presentation by Kimley-Horn and Associates, Inc., of Comprehensive Traffic Study Update for Biscayne Park
  5. PUBLIC COMMENTS RELATED TO AGENDA ITEMS
  6. CONSENT AGENDA (Motion to be made for all as one or remove for discussion) - TAB #6
    - A. Approval of Minutes – Regular Meeting – (1) August 5, 2008  
(2) November 5, 2008  
Special Meeting – (3) September 23, 2008 (2<sup>nd</sup> Budget PH)
    - B. Approval of Preliminary Financial Statements for quarter ending 9/30/2008
    - C. Approval of Village Manager to attend Florida City/County Manager Association's Winter Institute in St. Augustine, February 4 – 6, 2009
    - D. Confirmation of Commission Meeting Dates and Holidays for 2009
- Manager's Recommendation: Approval of Consent Agenda

**Village of Biscayne Park - Agenda**

**7. PUBLIC HEARINGS - TAB #7**

**A. SECOND READING OF ORDINANCES - None**

**8. ORDINANCES – FIRST READING – TAB #8**

**A. ORDINANCE NO. 2008-9**

**AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA PURSUANT TO SECTION 166.041, FLORIDA STATUTES, TO AMEND ORDINANCE 2007-13 ADOPTED ON SEPTEMBER 18, 2007 FINALIZING AND ADOPTING THE ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2007-2008, BY AMENDING VARIOUS PARTS OF THE BUDGET CONSISTENT WITH EXHIBIT "A," ATTACHED HERETO; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE**

**Manager's Recommendation: Approval**

**9. RESOLUTIONS – TAB #9**

**A. RESOLUTION NO. 2008-12**

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, URGING THE FLORIDA LEGISLATURE TO EQUALIZE FUNDING BASED ON POPULATION TO PROVIDE EACH REGION OF FLORIDA, INCLUDING SOUTH FLORIDA, ITS FAIR SHARE OF STATE FUNDING; PROVIDING FOR AN EFFECTIVE DATE**

**Manager's Recommendation: Approval**

**10. OLD BUSINESS – TAB #10**

- A. Consideration of Replacement of Alternate vacancy on the Planning and Zoning Board caused by moving Elizabeth Piotrowski to the permanent position (Continued from November 5, 2008, meeting)**
- B. Presentation of Recreation advisory Board recommendations by Roxanna Ross, Chairperson**
- C. Consideration of scheduling a workshop (or special meeting) to discuss:
  - (1) Recommendations of the Recreation Advisory Board**
  - (2) Proposed Personnel Rules and Regulations**
  - (3) Formulation of guidelines for Performance Evaluation of the Village Manager (sample evaluation forms previously submitted)****

## **Village of Biscayne Park - Agenda**

### **11. NEW BUSINESS – TAB #11**

- A. Designation of Commissioner Kelly Mallette to serve as Vice-Mayor for the period of January 1<sup>st</sup> – June 30<sup>th</sup> 2009  
Manager's Recommendation - Approval**
- B. Ratification of Collective Bargaining Agreement with the Police Benevolent Association for October 1, 2007, to September 30, 2010  
Manager's Recommendation - Approval**
- C. Request approval for use of Federal Forfeiture Funds to pay \$485 for Chief Mitchell Glansberg to attend the three-day Florida Police Chiefs Association's mid-winter Training Conference January 11 – 13, 2009, in St. Augustine  
Manager's Recommendation - Approval**
- D. Discussion of possible Recreation Facility Improvements to be included in next FRDAP grant proposal (Commissioner Mallette)**
- E. Confirmation of purchase of replacement diesel engine in garbage Truck #2 (Village Manager)**

### **12. GOOD AND WELFARE (PUBLIC)**

### **13. REPORTS**

#### **A. Committee Reports**

- 1. Parks & Parkways Advisory Board – Dan Keys, Chairman**
- 2. Recreation Advisory Board – Roxanna Ross, Chairman**

#### **B. Village Attorney Comments**

#### **C. Village Manager Comments**

- 1. Report from Police Chief Glansberg**
- 2. Updates on various projects**
  - a. Entry sign easement**
  - b. Recreation Pavillion**
  - c. Recreation Building Hardening**
  - d. Public Works Building bids**
  - e. Job descriptions and Rules and Regulations**

#### **D. Commission Comments**

- 1. Commissioner Anderson**
- 2. Commissioner Bernard**
- 3. Commissioner Mallette**
- 4. Vice-Mayor Morris**
- 5. Mayor Hornbuckle**

## Village of Biscayne Park - Agenda

### 14. ANNOUNCEMENTS - All public meetings are held at the Ed Burke Recreation Center 11400 NE 9<sup>th</sup> Court

- \*Tuesday, December 9                      ~~Code Review Committee 6:30 pm~~ - CANCELLED
- \*Wednesday, December 10              Parks & Parkways Board 6 pm
- \*Monday, December 15                   Planning & Zoning Board 6:30 pm
- \*Tuesday, December 16                   ~~Code Enforcement Board 7 pm~~ - CANCELLED
- \*Thursday, December 25                  All Departments Closed in observance of Christmas
- \*Thursday, January 1<sup>st</sup>                   All Departments Closed in observance of New Year's Day
- \*Tuesday, January 6                      Regular Commission Meeting

### 15. ADJOURMENT - NOTE: TBS = To Be Submitted

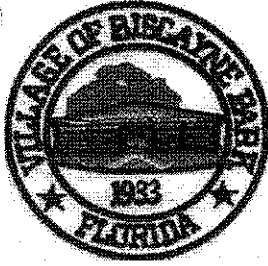
Visit our website at [www.biscayneparkfl.gov](http://www.biscayneparkfl.gov)

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in the proceedings should call Village Hall at (305) 899-8000 no later than (4) days prior to the proceeding for assistance.

#### DECORUM

Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.



# Village of Biscayne Park

## MINUTES

### REGULAR MEETING

Ed Burke Recreation Center – 11400 NE 9<sup>th</sup> Court  
Tuesday, December 2, 2008, 7:00 pm

Mayor Hornbuckle called the meeting to order at 7:10 p.m. In addition to Mayor Hornbuckle, present were Vice-Mayor "Doc" Morris and Commissioners Bob Anderson, Steve Bernard, and Kelly Mallette. Present from Staff were Frank Spence, Village Manager; John Hearn, Village Attorney; Mitchell Glansberg, Police Chief; Bernard Pratt, Public Works Director; Holly Hugdahl, Acting Finance Director, and Ann Harper, Village Clerk.

Commissioner Mallette led the Pledge of Allegiance followed by a moment of silence.

### **3. ORDER OF BUSINESS - ADDITIONS, DEFERRALS, OR WITHDRAWALS TO AGENDA**

Mayor Hornbuckle moved item 10B, Report from the Recreation Advisory Committee, to item 4C, Presentations.

Mr. Spence moved item 6C, Financial Reports, from the Consent Agenda to item 8A, first reading of Ordinance for budget amendments.

### **4. PRESENTATIONS**

#### **A. Recognition of Police Chief Mitchell Glansberg for graduating from St. Thomas University with a Bachelor of Arts Degree in Organizational Leadership, Suma Cum Laude.**

Mayor Hornbuckle and Village Manager Spence congratulated Chief Glansberg for his accomplishment in graduating Suma Cum Laude from St. Thomas University.

#### **B. Presentation by Kimley-Horn and Associates, Inc., of Comprehensive Traffic Study Update for Biscayne Park**

Mr. Spence introduced Greg Kyle of Kimley-Horn Associates. Mr. Kyle thanked the Commission for the opportunity to update the traffic study from a few years ago. He reviewed the objectives of the study, which are in the report distributed to the Commissioners, and said a kick-off meeting with residents was held in April. At this meeting a number of issues were identified, after which data was collected and analyses were performed. A draft report was presented to the Parks & Parkways Boards in October, and at that meeting they were asked to look at a few additional items.

He described the traffic counts which showed a decrease, from the 2004 traffic study, in the number of vehicles, and the average speed decreased by one to three miles per hour between 2004 and 2008. Field review also included maintenance of public and private property. They studied landscaping and its impact on sight distances. He noted that many street lights are blocked by overgrown trees and shrubs. He described the four main components of CPTED, Crime Prevention Through Environmental Design.

Mr. Kyle continued with his power-point presentation by showing proposals for traffic calming improvements, gateway entry features along the perimeter of the Village at eighteen intersections, and other miscellaneous traffic improvements.

Mr. Kyle also recommended that the Village contact FDOT and ask them to incorporate the standards of "Transportation Design for Livable Communities" along NE 6<sup>th</sup> Avenue, which allows for lower standards, such as a lower speed limit. He recommended incorporating the CPTED strategies into the Code and enhanced lighting around the park. The Parks & Parkways Board requested that consideration be given to making one-way streets, and he reviewed the pro's and cons of this recommendation.

He concluded with cost estimates for some of the recommended improvements, both short term (up to three years) and long term, such as gateway features, which could take three to five years.

Mayor Hornbuckle thanked Mr. Kyle for his presentation.

Commissioner Bernard said that some recommendations, such as working on NE 6<sup>th</sup> Avenue, could be implemented immediately. We should set up priorities.

Regarding NE 6<sup>th</sup> Avenue, Mr. Kyle said that the Village will have to wait until FDOT comes in with another project. At that time, if the Village has adopted a vision plan and the Village wants those standards applied to that corridor, then when FDOT designs the improvement, they have to incorporate those features. Commissioner Mallette suggested passing a Resolution for this purpose.

Commissioner Morris commented that it all boils down to money, and we have budget constraints. He asked whether or not any grants were available.

Mr. Kyle said these are traffic improvements, and CITT funds could be used.

Commissioner Anderson said the Kimley-Horn report is on the Village's website.

Discussion was held concerning painting of the stop bars by the Village and/or by the County.

Mayor Hornbuckle thanked Mr. Kyle again for his presentation.

Mayor Hornbuckle said the Consent Agenda will be next on the agenda.

**6. CONSENT AGENDA (Motion to be made for all as one or remove for discussion) - TAB #6**

- A. Approval of Minutes – Regular Meeting – (1) August 5, 2008  
(2) November 5, 2008  
Special Meeting – (3) September 23, 2008 (2<sup>nd</sup> Budget PH)**
- B. Approval of Preliminary Financial Statements for quarter ending 9/30/2008**
- C. Approval of Village Manager to attend Florida City/County Manager Association's Winter Institute in St. Augustine, February 4 – 6, 2009**
- D. Confirmation of Commission Meeting Dates and Holidays for 2009  
Manager's Recommendation: Approval of Consent Agenda**

Commissioner Bernard removed items 6A (2) and (3) from the Consent Agenda and said he would give the Village Clerk a list of action items which should be made a part of the minutes, and the revised minutes can be put back on the next agenda for approval.

Commissioner Bernard said at each meeting (September 23<sup>rd</sup> and November 5<sup>th</sup>) there were subjects discussed which were to be ongoing. For example, during the budget process requests were made for an analysis of the telephone system, which should be completed during the year. These subjects should be noted for future action.

Motion was made by Commissioner Anderson, seconded by Commissioner Mallette, to approve the Consent Agenda items which were not removed. The motion carried by voice vote, 5/0.

#### **4. C. Presentation of Recreation Advisory Board recommendations by Roxanna Ross, Chairperson**

Mayor Hornbuckle recognized the members of the Recreation Advisory Board: Chairman Roxanna Ross, Members Vicky O'Bryan, Steve Taylor, Amy Refeca, Tracy Truppmann, and Janey Anderson.

Mrs. Ross said the Board held nine weekly meetings and forwarded their recommendations to the Commissioners before the Thanksgiving weekend so they would have time to review them before this meeting. She said that Tracy Truppmann would present their power-point program.

The six-page summary of recommendations and support for recommendations is attached to these minutes.

After Ms. Truppmann outlined the recommendations, she thanked Chuck Ross for the budget studies, and the Mayor thanked Mrs. Ross and Ms. Truppmann. Mayor Hornbuckle asked Commissioners for their comments.

Commissioner Anderson suggested holding a workshop to discuss the recommendations.

Commissioner Morris said we have \$83,000 in the budget, and over the past two months more has been spent than was taken in. If we want any type of program, we will have to find out how many people are interested, what the expenses are and how much people will pay. With \$7,000 a month we could keep it open but not run programs.

Commissioner Mallette said she is amenable with having a workshop and she agrees with Commissioner Morris that we need to close the programs as the Board recommended. She says it is unfortunate that we are now at this point and we don't have a plan. The programs we have offered in Recreation are what has set us apart as a community, and we need to work with staff to offer programs. She complimented the Board on a job well done and would like them to move forward and make recommendations on other matters.

Commissioner Bernard said it is sad that it has come to this point, but it is the result of having a low priority for the Recreation Center, and the Board did not get information in a timely manner. If we accept these recommendations, he does not think it is the end of the Recreation Center programs; we now have the opportunity to make the programs anything we want them to be. Our residents who are paying other communities for programs should see what makes those programs successful so they can be created here. He sees no choice but to follow the Board's recommendation to discontinue the after-school program in January and re-tool and come back with something better.

Mayor Hornbuckle said it is sad that it has come to this point.

Vice-Mayor Morris said the Commission could recommend to the Advisory Board that they figure out a way to come up with money, and as of January 1<sup>st</sup> they will have approximately seven thousand dollars a month to run the Recreation Department.

Commissioner Bernard asked Mr. Spence to verify that the figures given for attendance and budget are accurate. Mr. Spence reviewed the figures and said they are accurate. He recommended that the Advisory Board continue with their efforts.

With regard to expenses to fund the Recreation Department, Charles Ross, CPA, said that it is hard to base an entire year on the expenses of two months. During those two months, there were few expenses for supplies, repairs, etc., and these expenses are not indicative of an entire year.

Commissioner Anderson said it is obvious that something needs to be done.

Mr. Spence reviewed and commented on the Advisory Board recommendations, and said that the recommendation to drop the after-school program should be implemented in January, and it is important to give as much advance notice as possible to the families.

Commissioner Mallette said we need to decide tonight about the after school program in order to give families and staff adequate notice. After receiving comments from residents, she has concerns that people are disappointed in the participation from management and staff. Mr. Spence said it was his recommendation that the Recreation Advisory Board be created in order to get input from residents, and he did not want to interfere with their discussions or present any ideas that he had at this point.

Commissioner Mallette said some of the departmental policies are outdated, such as people using the programs do not have to pay for the service when their children are absent. That would not happen at other day care facilities. Prior to this happening, some of these things could have been observed at the staff level, and then reported, and there could have been a dialogue. The community events are the same every year, and we need to improve them. She is not looking for everything to be revenue enhancing.

Mayor Hornbuckle opened the meeting for public comments about recreation activities.

Tracy Truppmann said it is important that the recreation center be utilized. Almost fifty percent of the people with children do not use the facility.

Barbara Kuhl said at the budget workshops the budget started at a much higher number, then it was cut. She said one comment from residents is that they do not feel safe in the park.

Maria Camara objected to taking down the basketball hoops, and the website needs to be improved.

Amy Refeca said as a member of the Recreation Advisory Board, it was not easy to make the recommendations. If the Board continues to meet, please give the members additional direction.

Karen Cohen spoke in favor of removing the basketball hoops and said more small children can now play in the park.

Steve Taylor said he agreed with taking down the basketball hoops and spoke about requiring permits for groups using the park.



Lori Cajas, 11023 N.E. 9<sup>th</sup> Court, said she is a parent with two children in the after-school program, and she is disheartened that she must now put her children in the Miami Shores program at a cost of three times what she is paying at the park. She said the after-school care program should not be discontinued.

Roxanna Ross, Chairman of the Recreation Advisory Board, said the Board was formed because of budget constraints. She asked the Commission to provide more guidance to the Board.

There were no more speakers, and the Mayor asked for further comments from the Commissioners.

Commissioner Mallette said there should be a policy in place regarding the basketball hoops, and she is sad that we can't manage our own park. There was no documentation that there was a problem, and there is no plan for what we will do if the hoops are put up again.

Mayor Hornbuckle referred to the list of recommendations, and said that we do not need to approve recommendation #9 because the Board is still in place. Recommendation #3 should be acted on tonight and then have a motion to have a workshop to address the other points with advice from Manager and Staff. Commissioner Bernard said we should also act on recommendation #4.

Motion was made by Vice-Mayor Morris, seconded by Commissioner Bernard, to approve Advisory Board Recommendations #3, #4, and #9. The motion carried by voice vote, 5/0. Attorney Hearn read the recommendations into the record as follows:

3. Continue After-School, Youth Camp and Recess Programs through January 2, 2009, and discontinue these programs thereafter.

4. Continue, but restructure, the Athletics Program, with emphasis on pre-enrollment procedures, alternate revenue sources including sponsorships and increased parental participation, as well as review of the employee roster with the goal that the program be ultimately self-sustaining.

9. Empower the Recreation Advisory Board to continue to study and make recommendations on additional issues that have not been addressed due to time limitations.

Mayor Hornbuckle said the other recommendations will be discussed at a workshop, which was scheduled for Tuesday, January 6, 2009, at 6 p.m., prior to the regular Commission meeting.

**5. PUBLIC COMMENTS RELATED TO AGENDA ITEMS – no speakers**

**6. (Moved to first part of meeting)**

**7. PUBLIC HEARINGS - TAB #7**

**A. SECOND READING OF ORDINANCES - None**

Agenda items 8 and 6B were considered together.

**8. ORDINANCES – FIRST READING – TAB #8**

**A. ORDINANCE NO. 2008-9**

**AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA PURSUANT TO SECTION 166.041, FLORIDA STATUTES, TO AMEND ORDINANCE 2007-13 ADOPTED ON SEPTEMBER 18, 2007 FINALIZING AND ADOPTING THE ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2007-2008, BY AMENDING VARIOUS PARTS OF THE BUDGET CONSISTENT WITH EXHIBIT "A," ATTACHED HERETO; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE  
Manager's Recommendation: Approval**

Attorney Hearn read the title of the Ordinance.

Mr. Spence said that State law requires that all necessary adjustments be made in order to balance the budget. If accounts are over-spent, adjustments must be made using accounts which are under-spent. This Ordinance is required to implement these adjustments, and the final product will be forwarded to the State. In this way the State can determine whether the Village ended the year in the red or the black. He recommended approval of the Ordinance on first reading.

Vice-Mayor Morris said he was concerned about the \$228,000 overage in the Police Department, which is in workers' compensation. Mrs. Hugdahl said there are four officers still on workers' compensation. Chief Glansberg said, with regard to overtime, that we are only spending what is necessary in order to be staffed.

Commissioner Anderson said it looks like we underspent in the Sanitation Fund and asked whether or not it could be carried over. Mrs. Hugdahl said it depends on what action the auditors take. Commissioner Anderson suggested it might be used to reduce fees for residents.

Commissioner Bernard said there is no backup to explain why some accounts were so high and some so much lower, and he had a two-hour conversation with Mrs. Hugdahl for explanations. He would like the Commission to ask the Manager whenever financial information is furnished to the Commission that they also get a summary explanation of accounts with differences. Commission consensus was that an explanation be furnished for any line which changes by ten thousand dollars or fifteen percent. Commissioner Bernard said the Commission should be notified when changes in spending take place, such as when the \$15,000 allocated for recodification was not needed and was reallocated without Commission notification. He would also like to be advised when revenues are lower than expected, such as at the Recreation Center.

Mr. Spence said he disagreed; it is his job to manage the whole budget. The budget was prepared as a balanced budget, and somewhere along the line some items will be over-expended and others will be under-expended. Proper accounts must be charged with appropriate expenditures, and accounts must be balanced at the end of the year.

Commissioner Bernard continued asking questions regarding the Road Fund and other special funds, and Mrs. Hugdahl and Mr. Spence responded. Commissioner Bernard said there were still questions he would like to be answered.

Motion was made by Commissioner Mallette, seconded by Commissioner Anderson, to approve the Ordinance on first reading and schedule second reading for January 6, 2009. The motion carried by voice vote, as follows:

AYES: Commissioners Anderson and Mallette, Vice-Mayor Morris, and Mayor Hornbuckle.

NAYS: Commissioner Bernard.

#### **6 B. Approval of Preliminary Financial Statements for quarter ending 9/30/2008**

Motion was made by Commissioner Morris, seconded by Commissioner Mallette, to approve the Financial Statements for the quarter ending 9/30/2008. The motion carried by voice vote 4/1, with Commissioner Bernard voting no.

#### **9. RESOLUTIONS – TAB #9**

##### **A. RESOLUTION NO. 2008-12**

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, URGING THE FLORIDA LEGISLATURE TO EQUALIZE FUNDING BASED ON POPULATION TO PROVIDE EACH REGION OF FLORIDA, INCLUDING SOUTH FLORIDA, ITS FAIR SHARE OF STATE FUNDING; PROVIDING FOR AN EFFECTIVE  
Manager's Recommendation: Approval**

Attorney Hearn read the title of the Resolution.

Motion was made by Commissioner Mallette, seconded by Commissioner Anderson, to approve the Resolution. The motion carried by voice vote, 5/0.

#### **10. OLD BUSINESS – TAB #10**

- A. Consideration of Replacement of Alternate vacancy on the Planning and Zoning Board caused by moving Elizabeth Piotrowski to the permanent position (Continued from November 5, 2008, meeting)**  
No action taken – place on next agenda

- B. Presentation of Recreation advisory Board recommendations by Roxanna Ross, Chairperson – moved to item 4C**

- C. Consideration of scheduling a workshop (or special meeting) to discuss:**

- (1) Recommendations of the Recreation Advisory Board**
- (2) Proposed Personnel Rules and Regulations**
- (3) Formulation of guidelines for Performance Evaluation of the Village Manager (sample evaluation forms previously submitted)**

Commission consensus was to discuss recommendations of the Recreation Advisory Board at a workshop at 6 pm on Tuesday, January 6, 2009, and to discuss items (2) and (3) at a workshop tentatively scheduled at 6 pm on January 15, 2009.

## **11. NEW BUSINESS – TAB #11**

### **A. Designation of Commissioner Kelly Mallette to serve as Vice-Mayor for the period of January 1<sup>st</sup> – June 30<sup>th</sup> 2009 Manager's Recommendation – Approval**

Motion was made by Commissioner Bernard, seconded by Commissioner Anderson, to approve Commissioner Mallette to serve as Vice-Mayor from January 1<sup>st</sup> to June 30<sup>th</sup>, 2009. The motion carried by voice vote, 5/0.

### **B. Ratification of Collective Bargaining Agreement with the Police Benevolent Association for October 1, 2007, to September 30, 2010 Manager's Recommendation – Approval**

Attorney Hearn said the contract which is in the agenda backup was approved by the PBA members and is now presented for Commission approval. The previous agreement was written before the position of Village Manager was created by the new Charter, and this agreement changes references from the Police Commissioner to the Village Manager. The major change is in Article 7, Compensation, and it provides for 5% salary increases on April 1, 2008, October 1, 2008, and October 1, 2009. It also provides the employee contributions of \$15/week beginning October 1, 2008, and \$25/week beginning October 1, 2009, for health insurance. There is also a limit on vacation carryover and a three-hour minimum for call-backs. The agreement is retroactive to October 1, 2007, and goes through 2010.

Mr. Spence said that during the budget workshops, when dealing with severe budget cuts, the Commission determined the first budget priority for funding was to be the Police Department, second priority was Public Works, and the third priority was the Recreation Department. This PBA contract was approved unanimously by the members in the Police Department.

Motion was made by Commissioner Mallette, seconded by Commissioner Anderson, to approve the Contract. The motion carried by voice vote, 5/0.

### **C. Request approval for use of Federal Forfeiture Funds to pay \$485 for Chief Mitchell Glansberg to attend the three-day Florida Police Chiefs Association's mid-winter Training Conference January 11 – 13, 2009, in St. Augustine Manager's Recommendation - Approval**

Motion was made by Commissioner Anderson, seconded by Commissioner Morris, to approve the use of Federal Forfeiture Funds as outlined. The motion carried by voice vote, 5/0.

### **D. Discussion of possible Recreation Facility Improvements to be included in next FRDAP grant proposal (Commissioner Mallette)**

Commissioner Mallette said there are Florida Recreation Development Assistance Program (FRDAP) grant funds available, and the Village should take advantage and apply for them. She said she would like the Commission to task the Manager to get plans for renovating the bathrooms and installing a window at the concession area at the Recreation Center and prepare an application for funding.

Motion was made by Commissioner Anderson, seconded by Commissioner Mallette, for the Manager to prepare an application for funding as described. The motion carried by voice vote, 5/0.

**E. Confirmation of purchase of replacement diesel engine in garbage Truck #2 (Village Manager)**

Mr. Spence read his memorandum in the backup materials, which is attached to these minutes. In summary, he said that gasoline was put into the back-up garbage truck, which destroyed the diesel engine. We have not been able to determine who put the gasoline in the tank. Since the truck is used regularly for picking up trash, it was crucial to get it repaired as soon as possible. Three estimates were obtained, and he authorized the repairs to be made at Atlantic Truck Center, where we purchased the garbage trucks. The total bill was \$12,430.00.

Mr. Spence continued that the current code does not address emergency purchases but allows the Commission to waive the bidding process.

Commissioner Anderson made a motion to approve the purchase of the replacement diesel engine. Commissioner Morris seconded the motion.

Commissioner Anderson made a second motion to authorize preparation of an ordinance to address emergency purchases. There was no second to the motion.

Commissioner Bernard said the code does not need to be changed, just needs to be followed.

Attorney Hearn said the code references the "Director of Finance" for authorizing purchases.

Mr. Spence said the portions of the code which reference the "Director of Finance" should be changed to "Village Manager," and the Manager should be authorized to make purchases in situations of emergency. He said that this repair order exceeded his authority, and needs Commission conformation.

Commissioner Bernard said this happened in September, and the Commission should have been notified earlier. Mr. Spence said we were going through the process of getting estimates at that time.

Commissioner Bernard asked whether or not there have been any policy changes, such as having only one person in charge of fueling or the use of sign-in sheets since this incident took place.

Bernard Pratt said he personally checks all the gasoline slips.

Commissioner Bernard commented that the memo says funds were available for the repairs, and Mrs. Hugdahl said the repairs were paid for with funds from last year.

Mayor Hornbuckle called for a vote on the motion to confirm the purchase, and the motion carried 4/1 with Commissioner Bernard voting no.

Commissioner Mallette said she does not like that this happened, and we need to take steps so that things like this do not happen again.

Motion was made by Commissioner Anderson, seconded by Commissioner Mallette, to clarify with the Attorney and the Manager whether or not the code needs to be changed and, if so, bring it back to the Commission. The motion carried by voice vote, 5/0.

**12. GOOD AND WELFARE (PUBLIC) – No speakers.**

**13. REPORTS**

**A. Committee Reports**

**1. Parks & Parkways Advisory Board – Dan Keys, Chairman**

Mr. Spence said the Parks Board will meet Wednesday, December 10, at 6 pm. Commissioner Bernard asked whether or not the permit was received from "DERM" and also asked whether or not a log was being kept on when the new trees are being watered. He was advised the permit has not been received, and a log is being maintained.

**2. Recreation Advisory Board – Roxanna Ross, Chairman** – report given earlier in the meeting.

**B. Village Attorney Comments** – Attorney Hearn said the ordinance about abandoned property has been drafted and will be coming to the Commission in January. He will be contacting the Commissioners individually regarding the issue of eminent domain.

**C. Village Manager Comments**

**1. Report from Police Chief Glansberg** – Chief Glansberg said two of the components from Kimley-Horn report regarding CPTED are already being implemented. He gave the crime report for November.

**2. Updates on various projects**

**a. Entry sign easement** – Mr. Spence forwarded to the Commissioners a copy of the letter from the Episcopal Diocese approving the easement the Village requested from the Church of the Resurrection for fifteen years with a condition. Commissioner Anderson suggested another site for the sign.

**b. Recreation Pavillion** – Mr. Spence said the pavillion plans have been revised by the architect by eliminating the storage feature, and the structure can now be built for \$50,000. This is a "change of scope" and must be approved by the Board which disburses the funds, and this Board's next meeting has not been scheduled. Commissioner Mallette said the Manager was given direction to look at installing a prebuilt structure rather than constructing a pavillion and suggested he call Doral, South Miami and Palmetto Bay to see what they purchased.

**c. Recreation Building Hardening** – Mr. Spence said the engineers will get back to us on this project.

**d. Public Works Building bids** – Mr. Spence said the invitation to bid has been published in the Miami Herald and the Sun Sentinel, and bids are due December 8.

**e. Job descriptions and Rules and Regulations** (to be discussed at workshop scheduled for January 15, 2009)

Mr. Spence advised the Commission that the IRS has approved the application for the Biscayne Park Foundation as a 501© , and all donations to the Foundation will be tax exempt.

#### **D. Commission Comments**

**1. Commissioner Anderson** said that Public Works Department needs a new piece of equipment for tree trimming and people can donate funds to purchase it.

**2. Commissioner Bernard** congratulated Chief Glansberg on receiving his degree; commented on the Winterfest bake sale; asked the status of signage about permits for the park, the drainage charts and stop bars.

**3. Commissioner Mallette** had no comments.

**4. Vice-Mayor Morris** also congratulated Chief Glansberg.

**5. Mayor Hornbuckle** had not comments.

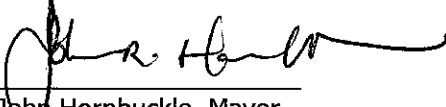
#### **14. ANNOUNCEMENTS - All public meetings are held at the Ed Burke Recreation Center 11400 NE 9<sup>th</sup> Court**

- |  |   |
|--|---|
| <b>*Tuesday, December 9</b>              | <b><del>Code Review Committee 6:30 pm</del> - CANCELLED</b>   |
| <b>*Wednesday, December 10</b>           | <b>Parks &amp; Parkways Board 6 pm</b>                        |
| <b>*Monday, December 15</b>              | <b>Planning &amp; Zoning Board 6:30 pm</b>                    |
| <b>*Tuesday, December 16</b>             | <b><del>Code Enforcement Board 7 pm</del> - CANCELLED</b>     |
| <b>*Thursday, December 25</b>            | <b>All Departments Closed in observance of Christmas</b>      |
| <b>*Thursday, January 1<sup>st</sup></b> | <b>All Departments Closed in observance of New Year's Day</b> |
| <b>*Tuesday, January 6</b>               | <b>Regular Commission Meeting</b>                             |

There being no further business to come before the Commission, the meeting was adjourned at 11:30 p.m.

Commission approved March 3, 2009

Attest:

  
John Hornbuckle, Mayor

  
Ann Harper, Village Clerk



**VILLAGE OF BISCAYNE PARK**

**Office of the Village Manager  
Frank R. Spence**

**TO: Mayor Hornbuckle and  
Commission Members**

**FROM: Frank R. Spence  
Village Manager**

**DATE: November 26, 2008**

**SUBJECT: CONFIRMATION OF REPLACEMENT OF A DIESEL  
ENGINE IN GARBAGE TRUCK #2**

Sometime before the Labor Day Holiday weekend someone put gasoline into the back-up garbage truck, effectively destroying the diesel engine. Since this is the only back-up garbage truck that we have which is also regularly used for picking up trash and debris, it was crucial to get it repaired as soon as possible.

We could not conclusively determine who or when the gasoline was put in the tank. We considered and ruled out vandalism and sabotage, and no one driver is assigned to that truck. And the presence of gasoline is not immediately evident until it does reach the engine.

Public Works Director Pratt got three different estimates ranging from \$8,000 to \$14,000, but none could be guaranteed until the whole engine assembly was taken apart and the work done. Time being of the essence to get this garbage truck back in service and sanitation being a health issue I authorized the truck taken to Atlantic Truck Center where we had purchased this and our newest garbage trucks from as being the most qualified to do this work. The total bill came in at \$12,430.00. Copy attached.



**Manager Memo to Mayor and Commission Members**

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**November 26, 2008**

**Page 2**

**A review of the current code dealing with purchasing shows it to be outdated and need for updating. It only references the "Finance Director" as the only one authorized to do any purchasing. It does not address any emergency or health, safety and welfare situations. It does allow the Commission to waive any requirements when it is determined "to be in the best interests of the Village". This is a common clause in most municipal purchasing ordinances. I've discussed this with the Village Attorney and we both agree that our code dealing with purchasing needs to be updated to reflect the new charter as well as current day best practices, like "piggy-backing" on the County's and other cities' existing bids on various products.**

**I claim that this was a "health, safety and welfare" situation because it potentially affected the collection of garbage and trash if garbage truck #1 were to become inoperable, and that the invoice from Atlantic Truck Center in the amount of \$12,430.00 be confirmed and approved after the fact as "being in the best interests of the Village". Funds are available in the Sanitation Fund Maintenance Account.**

109766  
INVOICE

CUSTOMER NUMBER: A15403

VILLAGE OF BISCAYNE PARK

~~RICK WOLF~~

893 NE 109TH ST

P BISCAYNE PARK, FL 33161-7229

PAGE 2

# ATLANTIC TRUCK CENTER FORT LAUDERDALE

2565 West State Road 84 • Fort Lauderdale, FL 33312  
Phone: (954) 587-8220 • Watts: 800-226-8226  
Fax: (954) 587-9724  
www.atlantictrucks.com  
MV# AR514

HOME: 305-893-4346 BUS: 305-893-4346

SERVICE ADVISOR: 1484 CHARLENE PAPPAS

YEAR	MAKE/MODEL		COLOR	VIN	LICENSE	UNIT NUMBER	
01	STERLING L7500		WHITE	2FZAATBV81AJ24117	200575	BPD002	
MILEAGE		TAG	PAYMENT	PO	R.O. OPENED	R.O. CLOSED	STOCK#
39369			CHARGE	8770	21OCT08	31OCT08	

OPTIONS: Options: ENG:Cummins ISB DSL 5.9L TRN:ALI/MD3060  
AXL:TDA/TDA 1) ENG#46047364

NET TOTAL

CUMMINS  
DETROIT  
ALLISON

\*\*\*\*\*

FORT LAUDERDALE

APPROVED FOR PAYMENT: 5/12	
402.3402.534.64.02	
BUDGET CODE	
B. Smith 11/7/08	
DEPARTMENT HEAD	
DATE	
FINANCE	

MIAMI

RIVERA BEACH

POMPANO BEACH

This charge represents costs & profits to the motor vehicle for miscellaneous shop supplies or waste disposal. FS403.718 mandates a \$1.00 fee for each new tire sold in the state of Florida. FS402.7185 mandates a \$1.50 for each new or remanufactured battery sold in the state of Florida.

**WARRANTIES:** Any warranties on the products sold hereby are those of the manufacturer. As between this retail seller and buyer, the product is sold "AS IS" and the entire risk as to the quality performance of the product is with buyer. The seller expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability of fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products. This disclaimer by the seller in no way affects the terms of the manufacturer's warranty. In no event is the dealer liable to anyone for any indirect, special, incidental or consequential damages whether related to warranty or otherwise claim. The buyer acknowledges being so informed prior to the sale.

Customer hereby acknowledges authorizing and receiving the parts and labor identified in this invoice and acknowledges receipt of the above referenced vehicle and a copy of this invoice.

Date \_\_\_\_\_

DESCRIPTION	TOTALS
LABOR AMOUNT	3486.00
PARTS AMOUNT	8684.91
GAS, OIL, LUBE	0.00
SUBLET AMOUNT	0.00
MISC. CHARGES	259.09
TOTAL CHARGES	12430.00
LESS INSURANCE	0.00
SALES TAX	0.00
PLEASE PAY THIS AMOUNT	12430.00

CUSTOMER COPY

# 109766 INVOICE

CUSTOMER NUMBER: A15403

VILLAGE OF BISCAYNE PARK  
RICK WOLF  
800 NE 109TH ST  
E BISCAYNE PARK, FL 33161-7229

PAGE 1



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HOME: 305-893-4346		BUS: 305-893-4346		SERVICE ADVISOR: 1484 CHARLENE PAPPAS	
YEAR	MAKE/MODEL	COLOR	VIN	LICENSE	UNIT NUMBER
01	STERLING L7500	WHITE	2FZAATBV81AJ24117	200575	BPD002
MILEAGE	TAG	PAYMENT	PO	R.O. OPENED	R.O. CLOSED
39369		CHARGE	8770	21OCT08	31OCT08

OPTIONS: Options: ENG:Cummins ISB DSL 5.9L TRN:ALI/MD3060  
AXL:TDA/TDA 1)ENG#46047364

	NET	TOTAL
<b>A REMOVE AND REPLACE ENGINE WITH CUMMINS REMAN, AND TRANSFER ALL NECESSARY PARTS AND COMPONENTS ENGINE</b>		
Labor:	3486.00	3486.00
3 PHM/8-43147 CBL TIE 14.5 NYL BL	0.05	0.15
3 PHM/8-44147 CBL TIE 14.5 HD NYL	0.11	0.33
2 M12X140 BOLTS-165497	6.50	13.00
1 DR1609RX ENG, ISB 225@2300	8077.00	8077.00
CORE CHARGE	3220.00	3220.00
1 SHIPPING SHIPPING & HANDLING	65.00	65.00
1 F4HZ*3K506*CA ADAPTOR	2.63	2.63
1 3164067 SEALANT	13.03	13.03
1 XC45*6B667*CA TUBE ASSY - OIL LEVEL IND	140.73	140.73
1 3911922 SUPPORT, FAN	272.35	272.35
1 SHIPPING SHIPPING & HANDLING	13.98	13.98
1 SHIPPING SHIPPING & HANDLING	24.00	24.00
2 BRZ/62032H-C CLAMP W/ CARB SCREW	0.49	0.98
3 VC*5* ANTI-FREEZE	12.95	38.85
1 XC4Z*10D968*AA SENSOR ASY	17.36	17.36
1 XT*5*QMC FLUID - TRANSMISSION	5.52	5.52
-1 DR1609RX CORE RETURN	10067.40	3220.00
PARTS: 8684.91 LABOR: 3486.00 OTHER: 0.00		
TOTAL LINE A:		12170.91

40000 PUSH TRUCK TO SHOP CREATE WO OF ECM DISCONNECT BATT AND  
OTHER RELATED ITEMS TO REMOVE ENGINE 1288-ASSISTED IN INSTALLATION OF  
ENGINE. REENG AND SWAP OVER ACC. (IE) STARTER ALT A/C TRANS BELHOUSING  
FLEX PLATE CHECK RUN OUT A/S PUMP . INSTALL ENG AND AND OTHE PARTS  
RAD DRIVESHAFT PTO SHATFT FAN ENG OIL ANTIFREEZE ALL PIPING AND  
TEST RUN.

\*\*\*\*\*

## B FREE INSPECTION

FREE INSPECTION

PARTS: 0.00	LABOR: 0.00	OTHER: 0.00	TOTAL LINE B:	(N/C) 0.00
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CUSTOMER PAY MISC SHOP CHG FOR REPAIR ORDER

259.09

CERTIFIED TO SERVICE:  
CATERPILLAR

This charge represents costs & profits to the motor vehicle for miscellaneous shop supplies or waste disposal. FS403.718 mandates a \$1.00 fee for each new tire sold in the state of Florida. FS402.7185 mandates a \$1.50 for each new or remanufactured battery sold in the state of Florida.

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Customer hereby acknowledges authorizing and receiving the parts and labor identified in this invoice and acknowledges receipt of the above referenced vehicle and a copy of this invoice.

Date

DESCRIPTION	TOTALS
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PLEASE PAY THIS AMOUNT	

CUSTOMER COPY